



Media Release

State Water Board Adopts Emergency Fish Flow Regulations in Three Key Watersheds

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SACRAMENTO – The State Water Resources Control Board (State Water Board) today adopted regulations that authorize the curtailment of water diversions if drought emergency minimum flows that serve fish migration in three Sacramento River tributaries are not met.

The emergency regulations are a first step towards the possible curtailment of water diversions to provide drought emergency minimum flows in Mill Creek, Deer Creek and Antelope Creek for some of the last naturally-produced salmon and steelhead populations as the flows decline in the face of warming weather.

When there is not enough water to meet all water right holders' needs, State law requires that junior water-rights holders stop diverting water so that there is water available to more senior water-right holders: those with rights dating to before 1914 (pre-1914) and those on riparian land directly abutting a waterway. Diverting water when it is not available under a specific water right priority violates State law.

This year, migrating Chinook salmon and Central Valley steelhead face particular harm from the State's ongoing drought conditions and are at high risk because water flows will be too low and temperatures too high unless a minimum amount of water is made available to them during critical passage periods.

In January, the State Water Board put water users in certain watersheds on [notice](#) that water curtailments would likely be issued due to lack of water in the state's rivers. Late season rains delayed the necessity for curtailments, but continued dry conditions now increase their likelihood.

The regulations complement an initiative by the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the California Department of Fish and Wildlife (CDFW) that encourage voluntary agreements among water users to coordinate water diversions or share water.





The State Water Board's emergency regulations recognize local cooperative agreements between water users, CDFW and NOAA Fisheries as an alternative method of compliance with the regulations. In a recent announcement, CDFW and NOAA unveiled the [California Voluntary Drought Initiative](#) to protect high priority salmon and steelhead rivers, including the three tributaries addressed in the State Water Board's regulations. Agreements under this initiative can substitute for State Water Board issued curtailment orders.

The regulations set drought emergency minimum flows that are important for fish passage in three Sacramento River tributaries: Mill Creek, Deer Creek and Antelope Creek. State scientists refer to these minimum flows as "belly scraping" flows because they ensure that enough water is flowing so that the fish can make it over the cobbles without getting stranded, but are not the flows that would be ideal under different circumstances.

Now that the rains have stopped and flows are beginning to decline, drought emergency minimum flows are needed to allow fish passage to sustain State and federally listed Central Valley spring-run Chinook salmon and California Central Valley steelhead through critical migration periods.

"These efforts are a vital part of this state's drought planning and efforts to deal with a challenging summer for people, agriculture, and fish and wildlife," said State Water Board Chair Felicia Marcus. "The parties in these watersheds face multiple challenges but are working together to solve them. This narrowly-targeted regulation provides necessary balance, recognizes voluntary efforts, and protects at-risk waterways."

Under the adopted regulations, if flows threaten to fall below the minimum levels and local cooperative agreements do not resolve the issue, the State Water Board may issue curtailment orders using the water rights priority system to stop or "curtail" water diversions until the minimum flows are achieved. Curtailments would be lifted as soon as fish migration patterns end.

The regulations must be reviewed and approved by the State's Office of Administrative Law and could take effect no later than 10 days from Board submittal.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste – visit [SaveOurH2O.org](#) to find out how everyone can do their part, and visit [Drought.CA.Gov](#) to learn more about how California is dealing with the effects of the drought.

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